

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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PETER WHEELER,

Plaintiff,

v.

9:11-CV-0719

KAREN PHILLIPS, Dept. of Programs,  
Mid-State Correctional Facility; S. Fall,  
Sergeant, Mid-State Correctional Facility,

Defendants.

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**APPEARANCES:**

PETER WHEELER  
c/o Dolores Hayes  
30 Avenue V, Apt. 12B  
Brooklyn, New York 11223  
Plaintiff, *pro se*

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the  
State of New York  
The Capitol  
Albany, New York 12224-0341  
Attorney for Defendants

**OF COUNSEL:**

MICHAEL G. McCARTIN, ESQ.  
Assistant Attorney General

**NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Christian F. Hummel, duly filed on the 31<sup>st</sup> day of March 2014. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-

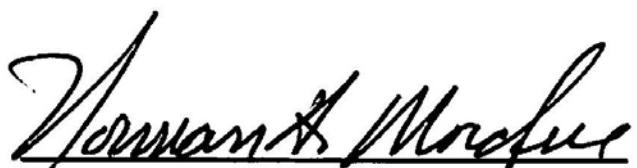
Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion to dismiss as a sanction (Dkt. No. 52) is granted as to all defendants and that judgment be entered in favor of all defendants on all claims.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case. Plaintiff shall be served by certified mail, return receipt requested.

**IT IS SO ORDERED.**

Dated: April 23, 2014  
Syracuse, New York

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Norman A. Mordue  
Senior U.S. District Judge

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